

STATE OF INDIANA—COUNTY OF HENRY  
IN THE HENRY CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed Amendment of Local Rule for Caseload Allocation  
Plan for the Courts of Record of Henry County  
June 29, 2010**

In accordance with Administrative Rule 1(E) of the Indiana Court Rules, the Henry Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule setting forth the caseload allocation plan for the courts of record of Henry County, effective January 1, 2011. All new text is show by underlining and deleted text is shown by ~~strikethrough~~-. Local Rules for caseload allocation plans pursuant to Admin. R. 1(E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on July 1, 2010, and shall close on July 30, 2010. The proposed amendments to the rule will be adopted, modified or rejected by July 31, 2010, (dates inclusive) and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than July 31, 2010

Comments by the bar and the public should be made in writing and mailed to: Hon. Michael D. Peyton, Judge, Henry Superior Court 1, Attn: Public Comment on Local Rules, Justice Center, Suite 320, 1215 Race Street, New Castle, IN 47362.

A paper copy of the proposed amended local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Henry County, Justice Center 1215 Race Street, New Castle, IN 47362, during normal business hours.

Michael D. Peyton, Judge  
Superior Court 1

## **LR33-AR00-01 COUNTY CASELOAD ALLOCATION PLAN**

**01-10** The Circuit and Superior Courts of Henry County have adopted a rule for criminal random filing (LR33-CP00-1). While it is the intent to allow the citizens and bar to have flexibility in filing all other types of cases, the Courts now adopt this rule setting forth certain limitations on filing in order to comply with Indiana Supreme Court Administrative Rule 1(C). This rule shall be subject to the family court rules in existence for filing and transfer of cases.

**01-20** All small claims shall be filed in Superior Court 2.

**01-30** All delinquency and CHINS cases shall be filed in Circuit Court and Superior Court 1.

**01-40** Dissolution of marriage and paternity actions shall be filed in Circuit Court or Superior Court 1. Pro-se dissolution of marriage actions shall be filed alternately one-third in Circuit Court and two-thirds in Superior Court 1. Paternity actions filed by the prosecuting attorney shall be filed in such a manner as to approximate an equal division of such cases between Circuit Court and Superior Court 1.

**01-50** Protective order actions shall be assigned by the Clerk in such a manner as to approximate an equal division of such cases between one-third to Circuit Court and two-thirds to Superior Court 1 except that protective orders involving cases where the parties in the protective order case are involved in a dissolution of marriage, paternity or prior protective order action in this county, the protective order case shall be filed in the same court where the dissolution, paternity or prior protective order case is pending. Existing protective order cases shall be transferred to the court where any dissolution of marriage or paternity action is later filed involving the same parties. If a protective order application is denied then all further applications for a protective order involving the same parties shall be filed in the same court and shall note on the application the cause number of the previously denied application.

**01-60** The judges of Henry Circuit and Superior Courts shall meet at least annually for the purpose of reviewing the weighted caseload of each court or at any other time as may be necessary to comply with the orders of the Indiana Supreme Court.

## **LR33-TR5-1 SERVICE ON ATTORNEYS**

Service upon an attorney of record may be made as set forth in TR5 including leaving a copy of the papers in the mailboxes in Superior Court 2 Office (Justice Center Room 219) or Law Library (Justice Center Room 304), as appropriate, for those attorneys who have reserved spaces in the respective mailboxes.